

## MINUTES

### ALCOHOL AND TOBACCO COMMISSION

APRIL 18, 2006

#### CALL TO ORDER/NOTING OF QUORUM

Chairman Heath called the meeting to order and noted the quorum and the attendance. Present were Commissioner Sturtz and Commissioner Guthrie. Also in attendance were Executive Secretary Choe and Superintendent Huskey.

Lisa Goldner of Bose McKinney and Evans, Mark Webb, John Barnett, Brad Klopfenstein of ILBA and Jeff McKean were present as observers.

#### DISPOSITION OF MINUTES

Commissioner Sturtz moved to approve the minutes submitted for the meeting held on April 11, 2006 meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

#### HEARING JUDGE'S RECOMMENDATIONS

PARTIES AGREED DISPOSITION (PAD) FORMS – Commissioner Guthrie moved to approve the PAD forms submitted for the April 18, 2006 meeting. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR48-18079 CARL E. COOPER, D/B/A FAST EDDIE'S – Hearing Judge Choe submitted her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Guthrie moved to uphold the Hearing Judge's recommendation and revoke the permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL49-21244 MAC'S CONVENIENT STORE, D/B/A CIRCLE K – Hearing Judge Choe submitted her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Guthrie moved to uphold the Hearing Judge's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL46-21320 SMOKE SHOP II & IV, INC. – Hearing Judge Choe submitted her Proposed Findings of Fact and Conclusions of Law for recommendation to the Commission.

Commissioner Guthrie moved to uphold the Hearing Judge's recommendation and grant the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **CONSIDERATION OF APPLICATIONS**

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permit applications for catering and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Two hundred fifty-five (255) renewals approved, twenty-three (23) new and/or transfer permits approved, one (1) permit approved for catering, three (3) permits approved for first year escrow, one (1) permit approved for second year escrow, one (1) permit approved for third year escrow and one (1) permit approved for fourth year escrow.

### **RENEWAL LETTERS AND WAIVER OF FEES**

Commissioner Guthrie moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Commissioner Sturtz and it was unanimously approved.

### **APPLICATIONS FOR DISCUSSION**

RR02-19566 ROY E RICHERSON, D/B/A JUNO'S JOINT – Chairman Heath noted this is a type 112 renewal application with the local board voting three (3) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RC35-05728 DUFFY'S BAR & GRILL, INC. – Chairman Heath noted this is a type 210 transfer of ownership application with the local board voting two (2) to one (1) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the transfer. Motion seconded by Commissioner Sturtz and it was unanimously approved.

RR02-00663 STAGGERS, INC. – Chairman Heath noted this is a type 210 renewal application with the local board voting three (3) to zero (0) to approve for one year.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the renewal for one year. Motion seconded by Commissioner Sturtz and it was unanimously approved.

DL41-22279 WAL-MART STORES EAST, LP – Chairman Heath noted this is a new type 208 application with the local board voting three (3) to zero (0) to approve.

Commissioner Guthrie moved to uphold the local board's recommendation and approve the new permit. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### **INACTIVE FILES**

Commissioner Guthrie moved to make eighteen (18) permits inactive. Fourteen (14) permits are not subject to auction and four (4) permits are subject to auction. Motion seconded by Commissioner Sturtz and it was unanimously approved.

#### **OLD BUSINESS**

No Old Business

#### **NEW BUSINESS**

No New Business

#### **POLICY DETERMINATIONS**

No Policy Determinations

#### **UNDER ADVISEMENT**

Nothing Under Adviselement

## **ANNOUNCEMENTS**

No Announcements

## **ADJOURNMENT**

Commissioner Sturtz moved to adjourn the meeting. Motion seconded by Commissioner Guthrie and it was unanimously approved.

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

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DAVE HEATH, CHAIRMAN

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DALE STURTZ, COMMISSIONER

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FRANK GUTHRIE, COMMISSIONER